IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

W.P(C).No. 34804 of 2007-(R)

PETITIONER:

SHEEBA. I,
HOUSE NO.41, AKSHARA NAGAR,
THIRUMULLAVARAM P.O.,
KOLLAM-691 012.

BY ADV. SRI.P.SIVARAJ

RESPONDENTS:
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1. **THE EXECUTIVE ENGINEER,**
   WATER WORKS SUB DIVISION, PALLIMUKKU,
   KOCHI-682 016.

2. **THE ASSISTANT EXECUTIVE ENGINEER,**
   WATER WORKS SUB DIVISION, PALLIMUKKU,
   KOCHI-682 016.

BY ADV. SRI. M. DINESH, SC FOR KWA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) NO.34804 OF 2007 R
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Dated this the 27th day of November, 2007

J U D G M E N T

The prayer in this writ petition is to quash Ext.P2 and to direct respondents to receive water charges and to restore water connection to the premises of the petitioner. It is submitted that the water connection to the petitioner's premises has been disconnected since 12th of November, 2007 and it was there upon that this writ petition has been filed.

2. On instructions, the Standing Counsel for the Kerala Water Authority submits that the transferor of the petitioner had availed of the connection to the premises in question and that since 3/5/02, the water charges are in arrears. It is also stated that from March 2002, the meter is also faulty and despite all these, petitioner has been enjoying the facility without making any payment. According to the counsel for the Kerala Water Authority, it is only on account of the arrears of about Rs.7,558/- that the water connection had to be disconnected. It is also stated that if the petitioner is paying the water charges and apply for change of ownership, the Water Authority is willing to restore water connection.

3. In view of the fact that water charges are in arrears, Authority cannot be faulted for disconnecting the supply. In the circumstances, the only order that can be passed is to direct that on payment of the water arrears in its entirety and if an application is made by the petitioner for change of ownership, the same will be dealt with in accordance with the rules and thereafter the connection will be restored. Needless to say that in the meanwhile, the meter also has to be repaired or replaced.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE

Rp